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DATE: July 14, 2006

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| | NAME | FAX | PHONE |
|-----|------------------------------------------------------------|--------------|--------------|
| TO: | Examiner John P. Lacyk U.S. Patent and Trademark Office | 571-273-8300 | 571-272-4728 |

FROM: Sheila A. Badon (650) 849-4800 (650) 849-4455
sheila.badon@bingham.com

PAGES: (INCLUDING THIS COVER PAGE): 14

RE: U.S. Patent Application Serial No: 09/940,679
Entitled: Markers and Systems for Detecting Such Markers
Filed: August 27, 2001
Attorney Docket No. VM7010755001 (Formerly 267/032)

MESSAGE:

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

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Dated: July 14, 2006

Name of Person Certifying: Sheila A. Badon

Printed Name: Sheila Badon

Enclosed:

- Transmittal (1 pg.);
- Fee Transmittal (1 pg.);
- Request for Continued Examination (1 pg.);
- Amendment and Response to Office Action (10 pgs.);

For transmission problems, please call (650) 849-4825

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| Timekeeper No: | 27577 | Client/Matter No: | 2018721-7010755001 | DATE/TIME STAMP |
| Client/Matter Name: | Varian Medical Systems Technologies, Inc. | | | |
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PA/52185956.1/2018721-7010755001

PTO/SB/21 (09-04)


Approved for use through 07/31/2006. OMB 0651-0031
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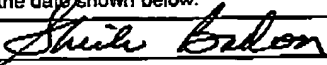
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| | | |
|----------------------------------------------------------|----------------------|--------------------------------------------------------|
| TRANSMITTAL FORM | Application Number | 09/940,679 |
| | Filing Date | August 27, 2001 |
| | First Named Inventor | Majid L. Riazat |
| | Art Unit | 3735 |
| | Examiner Name | John P. Lacyk |
| (to be used for all correspondence after initial filing) | | |
| Total Number of Pages in This Submission | 13 | Attorney Docket Number VM7010755001 (Formerly 267/032) |

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| ENCLOSURES (check all that apply) | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply (pgs). <input checked="" type="checkbox"/> After Final (10 pgs). <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Formal Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Correct Inventorship <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Continued Examination (RCE) Fax Cover Sheet to Examiner |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--------------------------------------------|--------------------------------------------------------------------------------------|----------|--------|
| Firm | Bingham McCutchen LLP | | |
| Signature |  | | |
| Printed Name | Gerald Chan | | |
| Date | July 14, 2006 | Reg. No. | 51,541 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------|---------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Signature |  | | |
| Typed or printed name | Sheila Badon | Date | July 14, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PA/52165952.1/2018721-7010755001

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

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Effective on 12/09/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
for FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 990.00

Complete if Known

| | |
|----------------------|---------------------------------|
| Application Number | 09/940,679 |
| Filing Date | August 27, 2001 |
| First Named Inventor | Majid L. Riazat |
| Examiner Name | John P. Lacyk |
| Art Unit | 3735 |
| Attorney Docket No. | VM7010755001 (Formerly 267/032) |

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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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Under 37 CFR 1.16 and 1.17

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 32 | -28 or HP= 4 | 50 | 200.00 |

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 3 | - 3 or HP= 0 | | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---------------------------------------------------------|--------------------------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| _____ | - 100 = _____ | / 50 = _____ | (round up to a whole number) x | = _____ |

4. OTHER FEE(S)


Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for Continued Examination (RCE)

Fees Paid (\$)

790.00

SUBMITTED BY

| | | | | | |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------|---------------|-----------|--------------|
| Signature |  | Registration No. (Attorney/Agent) | 51,541 | Telephone | 650-849-4960 |
| Name (Print/Type) | Gerald Chan | Date | July 14, 2006 | | |

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